

Grand Junction, Colorado
March 2, 1955

The City Council of the City of Grand Junction, Colorado met in regular session at 7:30 O'clock P. M. Councilmen present and answering roll call were McCormick, Severson, Harper, Wright, Colescott, Lowe, and President Walt. Also present were City Manager Toyne, City Attorney Groves, and City Clerk Tomlinson.

It was moved by Councilman Colescott and seconded by Councilman Severson that the minutes of the regular meeting held February 16th be approved as written.

WATER TAPS. Applications for water taps outside of the City limits were presented as follows:

- a. Travis Skinner asked for taps to service 49 homes in the amended plat of Grand Mesa Subdivision which is located on B Road and 27 3/4 Road on Orchard Mesa. He would like two 2 inch taps, besides several taps directly off the flow line. He anticipated that ten of these homes will be ready for occupancy by Sept. 1, 1955. He offered the following building restrictions as being in force and effect in the development of this subdivision.

BUILDING RESTRICTIONS

WE, the undersigned being the owners of all the following described property, to-wit:

All of Blocks 1 and 2 of the Grand Mesa Subdivision, according to the amended plat thereof, Mesa County, Colorado.

desiring to restrict the types, location, construction and uses of the buildings on said lots and to provide for the desirability of said tracts or lots to future purchasers and to the benefit of ourselves, and any future purchasers of said tracts or lots, do hereby restrict the uses of said tracts or lots and do hereby contract with each other and with future purchasers of said tracts or lots as follows:

1. No structures shall be erected, altered, placed or permitted to remain on any residential building tract or lot other than one single-family dwelling and a private garage for not more than three cars, and other buildings incidental to residential use of the tract or lot.

2. No building shall be located nearer than 25 feet to the front lot line, nor nearer than 15 feet to any side street line. No building, except a detached garage or other out building located 75 feet or more from the front lot line, shall be located nearer than 5 feet to any side lot line; provided, however, that no garage shall be located nearer than 15 feet to any side street line. No fence shall be constructed within 50 feet of the front line that is more than 4 feet high.

3. The erection of more than one dwelling per lot or the resubdivision of lots into smaller units is prohibited.

4. No noxious or offensive trade or activity shall be carried on upon any lot nor shall anything be done thereon which may be or become an annoyance or nuisance to the neighborhood.

5. No trailer, basement, tent, shack, garage, barn or other out building erected on any lot shall at any time be used as a residence temporarily or permanently, nor shall any structure of a temporary character be used as a residence. There must be a dwelling built and completed upon said property within 18 months after sale from the present owners.

6. The ground floor area of the main structure (exclusive of one story open porches and garages), to be placed upon said lots shall not be less than 1144 square feet.

7. No livestock or poultry shall be kept or maintained on said tracts or lots.

8. These covenants are to run with the land and shall be binding on all parties and all persons claiming under them until January 1, 1970 at which time said covenants shall be automatically extended for successive periods of 10 years, unless by vote of a majority of the then owners of the tracts or lots it is agreed to change said covenants in whole or in part.

9. If the parties hereto, or any of them or their heirs, or assigns, shall violate or attempt to violate any of the covenants herein, it shall be lawful for any other person or persons owning any of the other above described real property to prosecute any proceedings at law or in equity to prevent him or them from so doing or to recover damages or other dues for such violation.

10. Invalidation of any one of these covenants by Judgment or Court Order shall in no wise effect any of the other provisions which shall remain in full force and effect.

Dated this 26th day of February, 1955.

(Signed) Travis Skinner

(Signed) Eva Skinner

Councilman McCormick stated that he thought the Council should exercise some control over the sale of water in subdivisions outside of the City in order to build up some sort of a standard. It was his idea that the same restrictions should be put on outside subdivisions as those desiring to be annexed to the City of Grand

Junction. Sewers and sewage disposal should be taken care of; curbs and gutters constructed, and, in most cases, paving be planned for.

Councilman Severson asked what the legal procedure would be and whether the Council would have any right to restrict any conditions on outside subdivisions.

City Attorney Groves stated that their office had been checking rumors that other cities were requiring such restrictions, but had found that only Colorado Springs imposed any such restrictions, and that was that future construction must conform to the Colorado Springs building code.

Councilman Harper stated that under the new Planning Commission which has recently been set up by the County Commissioners, these questions would be taken care of and subdivisions would be approved. He suggested that the City should consider some of the fringe area in planning a new sewage disposal plant and sewer system.

It was moved by Councilman Lowe that the matter of granting all water taps be tabled until the next regular meeting of the Council. There was no second to Councilman Lowe's motion.

It was moved by Councilman Harper and seconded by Councilman Wright that the request be granted. Councilman Wright stated that he would second the motion on the basis that the Planning Commission get to work immediately and come up with recommendations and requirements for subdivisions of this nature. Roll was called on the motion with the following result:

Councilmen voting "AYE:" Harper, Severson, Colescott, Wright, Walt

Councilmen voting "NAY:" McCormick, Lowe

A majority of the Councilmen voting "AYE", the President declared the motion carried.

- b. Mr. Charles P. Eagleton requested a tap at 12th and Orchard to accommodate a 3 inch water line to run to 12th and Hermosa Avenue -- the Eagleton Subdivision. Permission was granted on January 12th to permit this company to have 25 taps off the Fruitridge Water Supply line. It was reported that the Fruitridge line would not supply these additional taps.

City Engineer Burton reported that the Fruitridge Water supply line was not at the present time large enough to furnish water for these additional taps. Mr. B. A. Kellogg, who was present in the audience, told the Council that at a meeting of the stockholders of the Fruitridge line on Monday evening last, it was voted to enlarge their line on Twelfth Street, but the cost of taps was increased \$100.00.

Councilman Harper suggested that it would be better for Mr. Eagleton to get water from the Fruitridge Water Company than for him to put in another line up Twelfth Street.

It was moved by Councilman Colescott and seconded by Councilman Harper that this request be tabled to give Mr. Eagleton an opportunity to get together with the Fruitridge Supply line. Motion carried.

- c. Ted G. Morrison requested a 2 inch tap on Elm Avenue and 28 Road. He desires to construct a 3 inch line extending east on the south side of Elm and 28 1/4 Road. Eventually he expects to have 100 users on this line, but not more than 10 by Sept. 1.

It was moved by Councilman Harper and seconded by Councilman Severson that the request be granted. Roll was called on the motion with the following result:

Councilmen voting "AYE:" Severson, Harper, Colescott, Wright, Walt

Councilmen voting "NAY:" McCormick, Lowe

A majority of the Councilmen voting "AYE," the President declared the motion carried.

- d. John F. Thompson requested a 1 1/2 inch tap off the flow line for a 20 lot subdivision. He did not file any plot or plan.

It was moved by Councilman Wright and seconded by Councilman Harper that action be deferred on granting these taps until the plot is presented. Motion carried.

BIDS ON LOTS. This was the date set to receive bids for Lots 20 to 23, Block 137. The following bids were received and tabulated by the Clerk:

Harry R. Trinder	\$5,854.95
August A. Storey	1,860.00
Ira C. Carpenter	4,275.00
Laird K. Smith	6,001.99

Rudolph Susman	4,665.00
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The following resolution was presented and read:

RESOLUTION

WHEREAS, the City of Grand Junction, Colorado, is the owner of the following described real estate, situate in Mesa County, Colorado, to-wit:

Lots 20, 21, 22 and 23, Block 137 City of Grand Junction

WHEREAS, the use and holding by the City of Grand Junction, Colorado of such real estate is such that it may be sold by the City Council under resolution;

WHEREAS, Laird K. Smith is willing to purchase said real estate from the City of Grand Junction, Colorado, for the sum of \$6,001.99 and to assume the balance of all special assessments on said real estate; and

WHEREAS, a sale of said real estate under such offer will be for the benefit of the public;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION, COLORADO:

That the above described real estate shall be sold and conveyed to Laird K. Smith; and that W. D. Toyne, as City Manager, and Helen C. Tomlinson as City Clerk, shall be and they are hereby authorized, empowered and instructed to execute and deliver on behalf of the City of Grand Junction, Colorado, a quit claim deed to convey such real estate and to affix thereto the seal of this City.

It was moved by Councilman Wright and seconded by Councilman Harper that the resolution be passed and adopted as read. All Councilmen voted "AYE" on the motion and it was declared carried by the President.

ORDINANCE ANNEXING BOOKCLIFF MANOR SUB. The following entitled ordinance was introduced and read: "AN ORDINANCE ANNEXING TERRITORY TO THE CITY OF GRAND JUNCTION, COLORADO. It was moved by Councilman Wright and seconded by Councilman Severson that the proposed ordinance be passed for publication. Motion carried.

HOULTON RE-SUBDIVISION. It was reported that the Engineering Department did not approve the plat for the Houlton Re-Subdivision, and no one had been in to check on this plot. It was moved by Councilman Colescott and seconded by Councilman Harper that the action of the Council on February 16th setting the date for

hearing on this subdivision for April 6th and ordering that it be advertised be rescinded. Motion carried.

ORDINANCE 905 -- ZONING. The Proof of Publication to the proposed ordinance entitled, AN ORDINANCE AMENDING CHAPTER 83 OF THE 1953 COMPILED ORDINANCES OF THE CITY OF GRAND JUNCTION, COLO., AND THE ZONING MAP INCORPORATED THEREIN" was introduced and read. It was moved by Councilman Harper and seconded by Councilman Severson that the Proof of Publication be accepted and filed. Motion carried.

It was then moved by Councilman Colescott and seconded by Councilman Lowe that the ordinance be called up for final passage. Motion carried.

The ordinance was then read and upon motion of Councilman Severson and seconded by Councilman Lowe was passed, adopted, numbered 905 and ordered published. Roll was called on the motion with all members of the Council voting "AYE." The President declared the motion carried.

ORDINANCE 906 -- PLAYGROUNDS IN NEW SUBDIVISIONS. The Proof of Publication to the proposed ordinance entitled, AN ORDINANCE AMENDING SECTION 6 OF CHAPTER 80 OF THE 1953 COMPILED ORDINANCES OF THE CITY OF GRAND JUNCTION, COLORADO, AND PROVIDING FOR THE DEDICATION TO THE CITY OF LAND IN NEW SUBDIVISIONS FOR PARKS, PLAYGROUNDS, SCHOOL, RECREATIONAL, FIRE PROTECTION OR SIMILAR PUBLIC PURPOSES," was introduced and read. It was moved by Councilman Colescott and seconded by Councilman Wright that the Proof of Publication be accepted and filed. Motion carried.

It was then moved by Councilman Severson and seconded by Councilman Harper that the ordinance be called up for final passage. Motion carried.

The Ordinance was then read and upon motion of Councilman Harper and seconded by Councilman Severson was passed, adopted, numbered 906 and ordered published. Roll was called on the motion with all members of the Council voting "AYE." The President declared the motion carried.

ZONING. The Board of Adjustment has approved changes in zoning as follows:

- a. Lots 7 to 32, inclusive, Block 21: Belford Avenue and Teller Avenue between 10th and 11th, from Residence "B" to Residence "D" Use District.
- b. Lot 3, Block 1, Arcadia Village from Residence "A" to Residence "B" Use District.

- c. The south half of Blocks 4 and 5, and the north half of Block 3, Grand River Subdivision, from Residence "C" to Industry "A" Use District. This property is located on West Road at West Street.
- d. The south half of Block 74 and the north half of Block 81 from Residence "E" to Business "A" Use District. This property is located on Grand Avenue between Fourth and Fifth Streets.

It was moved by Councilman McCormick and seconded by Councilman Colescott that the proposed zoning changes referred to above be advertised for hearing on April 6th, and that the proper people in each district be notified. Motion carried.

ELM AVENUE WALK-WAY. The City Engineer and City Manager reported that in conformance with the request of the School District they would recommend that the City deed back to School District No. 51 a tract of land 50 x 128 located on the west side of North Seventh Street, where Elm Avenue would be, if extended. This to be restricted as a pedestrian walk-way and no buildings constructed. The following resolution was presented and read:

RESOLUTION

WHEREAS, Mesa County Valley School District No. 51 has conveyed the following described property in the City of Grand Junction for a nominal consideration:

A tract of land beginning at a point 267 feet North of the Southeast Corner of Lot 20, Capitol Hill Subdivision, Mesa County, Colorado, thence South 50 feet, thence West to the West line of said Lot 20, thence North 50 feet, thence East to the point of beginning.

AND WHEREAS, it is the opinion of the City Council that such property should be reconveyed to such School District with the restrictions hereinafter set forth:

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION, COLORADO:

That the above described real estate shall be conveyed to the Mesa County Valley School District No. 51, reserving to the public a right of way over and across all portions of said property for pedestrian travel and upon the condition that no improvements shall be erected thereon; and that W. D. Toyne, as City Manager, and Helen C. Tomlinson, as City Clerk, shall be and they are hereby authorized, empowered and instructed to execute and deliver on behalf of the City of Grand Junction, Colorado, a quit claim deed to convey such real estate with such reservations and upon such conditions and to affix thereto the seal of this City.

It was moved by Councilman Colescott and seconded by Councilman Harper that the Resolution be passed and adopted. Roll was called on the motion with all Councilmen voting "AYE." The President declared the motion carried.

BEER LICENSE. Andrew N. Parker requests a beer license for the Parker House Cafe at 326 Main Street. This restaurant has been operated as the Tex House by Mrs. Henderson. It was moved by Councilman Lowe and seconded by Councilman Colescott that this application be advertised for hearing on April 6th, 1955.

USE OF CIVIC AUDITORIUM. A request from Rev. Gustafson and Rev. Horton for the use of the Civic Auditorium was presented. They wish to have use of the Auditorium on Saturday evening, April 16, for a Chorale group from the Omaha Bible Institute. The choir master of the group has requested that a piano be placed in the Auditorium for accompaniment of the group.

It was moved by Councilman Severson and seconded by Councilman Harper that inasmuch as the restrictions placed upon the use of the Auditorium prohibited the moving in of a piano, that the request be denied. Motion carried.

SALE OF LOTS. City Manager Toyne reported that he had received an offer for the sale of the West 12 feet of Lot 52, Lots 53, 54, 55, 56, 57 and the east 14.7 feet of Lot 58, Bowers Subdivision. These lots are located on Colorado and West Avenue just north of Riverside Park. It was moved by Councilman Colescott and seconded by Councilman Wright that this matter be tabled until the next regular meeting of the City Council. Motion carried.

PLATEAU AIRWAYS LEASE AT WALKER FIELD. City Manager Toyne reported that the Council had authorized him to sign a lease with Plateau Airways similar in form to the lease which the City now has with Rigg Aviation. At the time the Rigg lease was drawn up considerable advance discussion was had concerning the type of buildings to be constructed. Plans were submitted and approved by the Council before the lease was authorized. At the present time, Plateau Airways has not submitted plans and is not sure of their financing, but have requested permission to put up a metal building 60 x 80 x 14 with a lean-to building 20 x 40 x 8.

It was moved by Councilman McCormick and seconded by Councilman Colescott that Plateau Airways be advised to bring in plans to the Council for their buildings at Walker Field and that their lease be not signed by the City until such plans are approved. Motion carried.

FIREMEN'S PENSION FUND BILL. The City Manager reported that he had written to Senator Shults and Representatives Hoisington and Taylor in protest to the Bill which they were considering concerning the Firemen's Pension Fund, and that this bill had been withdrawn.

PARKING METERS. The City Manager and Chief of Police reported on private parking meters in front of business houses. Chief Johnson did not believe that it would be wise to establish a precedent in allowing individual business houses to purchase meters to be placed in front of their establishments, nor did he think that spot metering would be a solution to the problem. He suggested that some thought be given to extending the metered area and also trying out longer term meters in some locations.

It was moved by Councilman McCormick and seconded by Councilman Harper that the City Manager be instructed to install long term meters on one side of Colorado Avenue in a block which is already metered, and that the City buy 30 more meters and install them in the 200 block on Colorado Avenue. Motion carried.

TRAFFIC SURVEY REPORT. It was reported that there would be a report on the study made on traffic at 7:30 P. M. on Tuesday, March 8th.

COMIC BOOKS. Councilman Wright reported that the National Association of Comic Books has created a Board of Censorship and that most of the comic books now for sale bear the stamp of approval of this Board.

BOYS AND GIRLS COUNTY DAY. Councilman Colescott reported that March 16th would be Boys and Girls County Day and that there would be a luncheon at noon at which all participating City employees would be invited. It was moved by Councilman Colescott and seconded by Councilman Harper that the City give up to \$50.00 for the cost of the luncheon for City employees attending. Roll was called upon the motion, with all members of the Council voting "AYE." The President declared the motion carried.

WATER FROM AIR CONDITIONERS IN ALLEYS. Councilman McCormick suggested that something be done about the water drained into alleys from air conditioners. It was moved by Councilman McCormick and seconded by Councilman Lowe that the City Manager, City Engineer and City Attorney make an ordinance recommending measures to take care of the matter of waste water in the alleys, excepting precipitation, and rescinding the ordinance prohibiting down spouts draining into sewers. Motion carried.

RESIGNATION OF J. D. SEVERSON AS COUNCILMAN FROM CITY AT LARGE. Councilman J. D. Severson then presented his resignation as Councilman from the City at Large.

It was moved by Councilman Harper and seconded by Councilman Wright that the resignations of Councilman McCormick, as Councilman from District "D" and J. D. Severson as Councilman from the City at Large be accepted. Motion carried.

APPOINTMENT OF COUNCILMEN FROM DISTRICT "D" AND CITY AT LARGE. It was moved by Councilman Harper and seconded by Councilman Lowe that

J. D. Steverson be appointed to serve as Councilman from District "D" until the end of the present term, May 2nd. Motion carried.

It was moved by Councilman Colescott and seconded by Councilman Wright that C. E. McCormick be appointed to serve as Councilman from the City at Large until the end of the present term, May 2nd. Motion carried.

HEALTH BOARD MEETING CONCERNING CONTROL OF FRUIT FLY.

Councilmen Severson and McCormick reported that they had each attended a meeting of a committee which was being organized in the interests of the control of the fruit fly, and also flies, fruit dumps, etc., Dr. Margaret Beaver being Chairman. Councilman Wright, as a member of the Mesa County Health Board was asked to serve on this committee as a representative of the City Council.

FIRE TRUCK. It was reported that City Manager Toyne is writing specifications at this time for the new fire truck which the City contemplates purchasing during this year.

VETERAN'S HOSPITAL PROTEST TO CLOSING. It was moved by Councilman Wright and seconded by Councilman Lowe that the City Attorney and City Clerk be instructed to send letters of protest to U. S. Representative Wayne Aspinall and the head of the Veteran's Administration in connection with the announced closing of the Veterans Hospital in Grand Junction, calling attention to the fact that the Hoover Committee erred in their report and indicating the Council's disfavor in closing down the hospital. This is not an isolated area and the hospital is filled to capacity at all times.

CLIFTON WATER DISTRICT MEETING. President Walt called the attention of the Water Committee to a meeting with the Clifton Water District at 4:30 P. M. on Friday, March 4th, and asked that the City Manager, City Attorney, and City Engineer attend this meeting.

PLANNING COMMISSION. President Walt stated that he, Councilman Severson and Councilman Colescott had been working with the County Commissioners in setting up a County Planning Commission. The Commissioners have chosen five members to serve on this Board and the City Council plans to have a City Planning Committee of five members to work with the County Committee to plan for the development of Grand Junction and Mesa County. City Attorney Groves explained that there were some problems involved, and especially that of expending funds and which agency would be responsible for the expending of the money.

President Walt stated that it had been tentatively agreed that the costs of this commission would be born by the City, County, and School District on a 40% - 40% - 20% basis, respectively.

The City Attorney stated that a proposed ordinance had been drawn up, giving the President of the City Council the power to appoint such a Commission and giving

the commission the power to act under Article 59 of Chapter 139 of Colorado Revised Statutes 1953. The City Clerk then read the ordinance.

It was moved by Councilman Wright and seconded by Councilman Severson that the Ordinance be passed, adopted as an emergency ordinance, numbered 907 and ordered published. Roll was called on the motion with the following result:

Councilmen voting "AYE:" Severson, Harper, Colescott, Wright, Lowe, Walt
Councilmen voting "NAY:" McCormick

As there was one dissenting vote, the ordinance failed to pass as an emergency ordinance.

It was then moved by Councilman Wright and seconded by Councilman Lowe that the proposed ordinance be passed for publication. Motion carried.

It was moved by Councilman Harper and seconded by Councilman Severson that the meeting adjourn. Motion carried.

/s/ Helen C. Tomlinson
City Clerk